

Listing of Claims

Claims 1-9 (withdrawn)

Claim 10 (previously canceled)

Claim 11 (previously amended)

A composition of claim 22 wherein the solid support is a polymeric support.

Claim 12 (previously amended)

A composition of claim 22 wherein the solid support forms a filter.

Claim 13 (previously amended)

A composition of claim 22 wherein the solid support is a tape or sponge.

Claim 14 (withdrawn)

Claim 15 (previously canceled)

Claims 16 and 17 (withdrawn)

Claim 18 (cancelled)

Claims 19 and 20 (withdrawn)

Claim 21 (previously canceled)

Claim 22 (previously amended)

The composition of claim 27 containing a tagged peptide ligand which binds with specificity to the surface of a B. anthracis spore, said ligand being bound to a solid support.

Claim 23 (withdrawn)

Claim 24 (previously presented)

The composition of claim 23 wherein the tagged peptide of 5-12 mers contains the sequence Thr-Ser-Gln-Asn-Val-Arg-Thr

(TSQNVRT) (Seq. ID No. 40).

Claim 25 (withdrawn)

Claim 26 (previously presented)

The composition of claim 23 wherein the peptide ligand is in a liquid medium.

Claim 27 (now amended presented)

A composition comprising a tagged peptide ligand of 5-12 mers known to bind to spores from B. anthracis and a sample suspected of containing spores which will bind to said peptide ligand.

RESPONSE TO REJECTIONS OF RECORD

The rejection of claims 11-13, 18, 21-24, 25 and 27 have been rejected under 35 U.S.C. 101 has been deemed obviated by amendment to the claims.

Claims 11-13, 18, 21-24 and 26-27 have been rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is non-enabling. The rejection is respectfully traversed. Attention is invited to the paragraph bridging pages 4 and 5 of the application. The making of a sample containing the spores is shown at the paragraph bridging pages 10 and 11 of the application. If removing the term "suspected of" would facilitate prosecution, the applicant is willing to consider either the removal of the term or the use of the word "cognate", as used at pages 3 and 4. However, the entire disclosure indicates that the peptide will be used in an environment suspected of containing spores. Would the examiner kindly indicate just how he feels would be the "conventional" way of claiming the invention for use in detection of a spore in the environment?

Regarding the suggestion that the applicant has not addressed the rejection relating to every conceivable peptide is noted. The applicant does not acquiesce in any rejection. However, since the examiner has rejected all claims, including those which name specific sequences, under the rubric of the rejection, it is impossible to know exactly what the examiner wishes to say. Furthermore, it is not known if, as to the broad claim, the examiner urging that function claiming is simply forbidden. Citation for such a rule is requested. Functional claiming, as long as it is

taught how to obtain the product in functional means, is not forbidden.

Claims 11-13, 18, 21-24 and 26-27 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite. The rejection is respectfully traversed. Again, the "rule" upon which the examiner relies that "it is customary to identify only those components that are required. The claims are to compositions." is not understood. Page 15 is cited for teaching that the peptides may be tagged with conventional tags directs one to known methods. Is the examiner urging that that which is standard practice must be exemplified?

Claim 18 is cancelled. The examiner now urges that the rejection of claim 23 under a paragraph identified as "D" is acquiesced to by the applicant. Attention is invited to the paragraph bridging pages 3 and 4 and to the first 15 lines of page 15, which discusses contamination of air.

Claim 13 has been rejected as unsupported because it is unclear as to the use of tapes or sponges in the invention. One of ordinary skill is well aware that tapes and sponges are used to capture contamination. For example, sponges are frequently used in masks.

Claim 21 (a rejected claim) is rejected under 35 U.S.C. 102(b) as anticipated by applicant's disclosure of known prior art. Answering as though the rejection related to claim 22, the rejection is rejected. None of the publications suggests tagged peptides bound to a support for any purpose, nor was there any suggestion as to how to obtain compositions as claimed. The undersigned is sorry this response is not more explicit, but the

rejection is vague. The examiner further argues that the applicant recites a composition. The composition is used to detect spores and is recited in accord with the composition used for the particular purpose.

Claims 11-13, 18, 21-24 and 26-27 have been rejected under 35 U.S.C. 102(a) as unpatentable over Ezzel in view of D'Mello. The rejection is respectfully traversed. Again, the rejection is vague. The claims do not relate to an antibody. They relate to peptides which bind with specificity to the surface of B. antracis which are of a limited length. No other peptides are envisioned and it is not clear how the examiner considers that the peptides of the references fit within the claims of the invention or are suggested by the reference. Clarification is requested.

It is believed the claims are now in condition for allowance. If discussion would facilitate prosecution of this application, the Examiner is invited to contact the Applicant's representative at (703) 425-8405.

Respectfully submitted,



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